TITLE 44
OFFICES AND OFFICERS

CHAPTER 44-01
ELIGIBILITY AND QUALIFICATIONS OF OFFICERS

44-01-01. Eligibility to office.

Every elector is eligible to the office for which that person is an elector, except when otherwise specially provided. No person is eligible who is not such an elector.

44-01-02. Credit for military service.

Any person elected or appointed to any position or office in this state, or in any political subdivision thereof, in which length of service is one of the qualifications necessary to election or appointment, must be given credit for service in the army of the United States between April 6, 1917, and November 11, 1919, in the particular vocation, profession, or trade in which the person was engaged at the time of entering such service, if the person holds an honorable discharge from the military service of the United States and is recognized as a North Dakota soldier.

44-01-03. When state and district officers shall qualify.

Except when otherwise specially provided, all state and district officers shall qualify on the first day of January next succeeding their election and on said first day of January shall enter upon the discharge of the duties of their respective offices, provided that when a person is elected to fill an unexpired term in a district office then vacant or then held by an appointee, such person may qualify and enter upon the discharge of the duties of such office at any time after receiving a certificate of election to that office but not later than the first day of January next succeeding the date of election to the unexpired term of office.

44-01-03.1. Elected state officers - Date to qualify.

The agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer shall qualify on the first day of December next succeeding their election and shall enter upon the discharge of the duties of their respective offices.

44-01-04. State, district, and county officers - Failure to qualify - Vacancy.

If any person elected to any state, district, county, or other political subdivision office fails to qualify and enter upon the duties of such office within the time fixed by law, such office must be deemed vacant and must be filled by appointment as provided by law. If there is a contest for such office or if the person elected to such office is prevented or obstructed in any manner from entering upon the duties thereof, the time above prescribed does not govern and the person must be allowed twenty days after the day such contest is determined or such obstruction removed in which to qualify.

44-01-05. Oath of civil officers.

Each civil officer in this state before entering upon the duties of that individual's office shall take and subscribe the oath prescribed in section 4 of article XI of the Constitution of North Dakota. The oath must be endorsed upon the back of, or attached to, the commission, appointment, or certificate of election. The term civil officer includes every elected official and any individual appointed by such elected official; any individual appointed by the governor and required by section 16.1-09-02 to file a statement of interests with the secretary of state; appointed member of any state authority, board, bureau, commission, and council; and the appointed head of any state agency and agency division, whether the individual serves with or without compensation. Except for an individual appointed to fill a vacancy existing in the legislative assembly, the term does not include any individual receiving a legislative

appointment. For purposes of this chapter and chapter 44-05, the term civil officer has the same meaning as public officer.

44-01-05.1. Failure to file oath.

The appointment of any civil officer may be rescinded by the appointing authority if the appointed civil officer fails to file an oath of office at the place of filing required by section 44-05-04.

44-01-06. State and district officers to give bonds.

Repealed by S.L. 1987, ch. 537, § 1.

44-01-07. Officers to account for moneys collected.

Each civil officer who gives a bond shall render a true account of all moneys and property of every kind that come into that person's hands as such officer and shall pay and deliver over the same according to law.

44-01-08. Approval of bonds.

Repealed by S.L. 2003, ch. 380, § 1.

44-01-09. Filing of bonds.

Repealed by S.L. 2003, ch. 380, § 1.

44-01-10. Approval of bond - Signature of officer approving.

Repealed by S.L. 2003, ch. 380, § 1.

44-01-11. Approval of fidelity bonds.

No officer or board charged by law with the duty of approving official bonds may approve any bond made in violation of this chapter. No bond given or approved in contravention of section 44-01-14 may be held to be invalid by reason thereof.

44-01-12. Bonds construed to cover all duties.

The bond of each civil officer must be construed to cover duties imposed by laws passed subsequent to the execution of such bond as well as to those duties imposed at the time of the execution of the bond. No bond is void because of its failure to comply with the law as to matters of form or substance but it is valid as to all matters contained therein if it complies substantially with the law.

44-01-13. Governor may require additional bond of state officers.

Repealed by S.L. 1999, ch. 113, § 24.

44-01-14. Public officials prohibited from becoming sureties for other officers and employees.

No officer or employee of the state who is bonded in the state bonding fund may become a surety upon any bond or undertaking while that person's coverage in such fund is effective. No officer or employee of any municipality, political subdivision, or public corporation may become a surety upon any bond or undertaking of any other officer or employee thereof, nor on any bond or undertaking of a depository of the funds thereof. As used in this section, "officer" includes deputy officers and officers appointed by the courts, and "employee" includes all persons other than officers so defined who may perform or contract to perform services for a consideration, and includes subcontractors on public works.

44-01-15. Political subdivisions authorized to carry liability insurance - Defense of governmental immunity not available to insurers.

Repealed by omission from this code.